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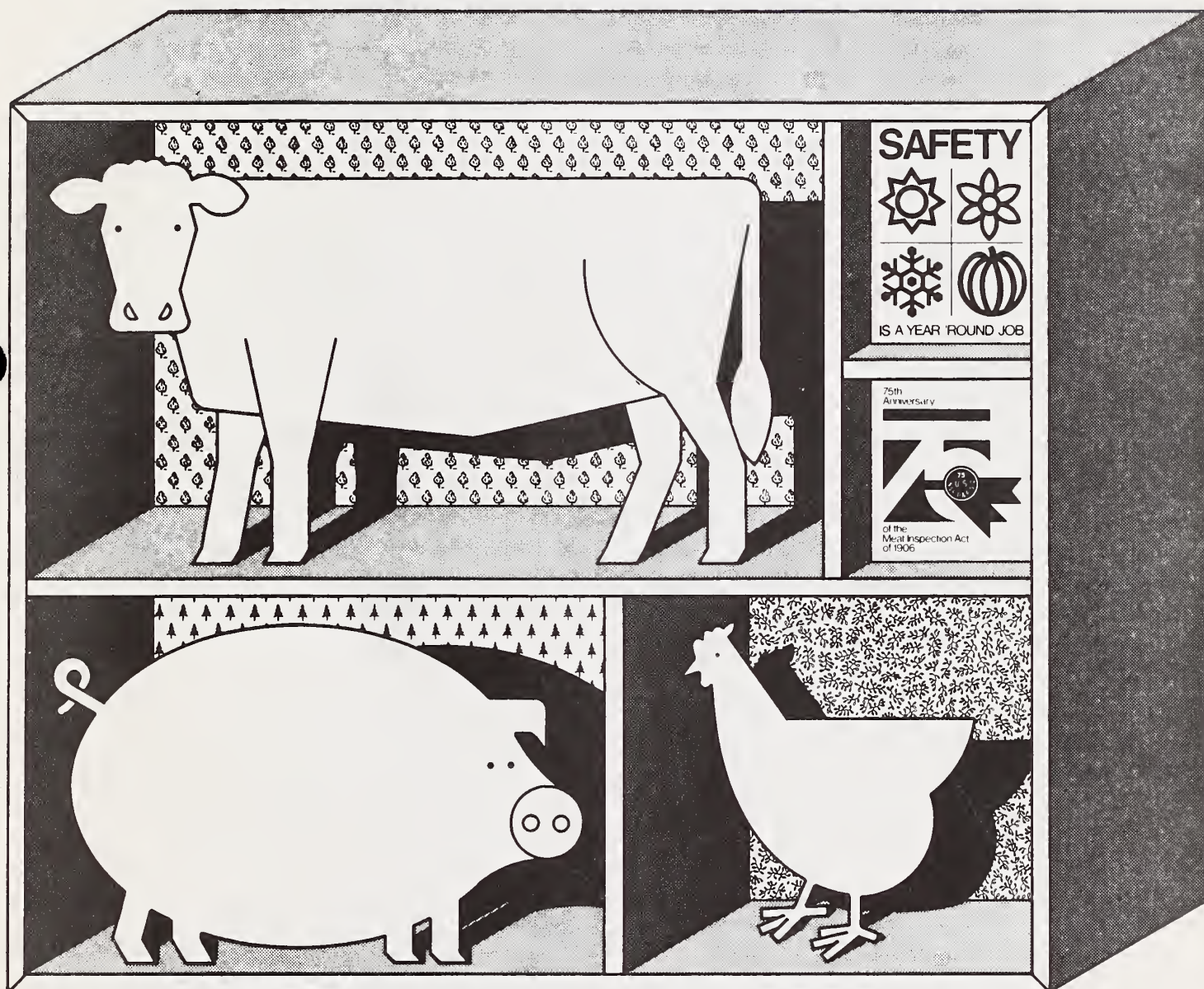


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Supplement to Change 82-8, Meat and
Poultry Inspection Regulations

UNITED STATES DEPARTMENT OF AGRICULTURE
Food Safety and Inspection Service
Meat and Poultry Inspection
Washington, DC 20250

MEAT AND POULTRY INSPECTION REGULATIONS

Date: AUGUST 1982 Change Number: 82-8

MAINTENANCE INSTRUCTIONS

SPECIAL!! Supplement to the August monthly issuance.

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SUBCHAPTER A - MANDATORY MEAT INSPECTION REGULATIONS

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111 and 112 111 and 112
112a

Effective date relating to these regulation changes: August 19, 1982

(§ 327.8 continued)

trucks, chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 327.9 Burlap wrapping for foreign meat.

Burlap shall not be used as a wrapping for foreign meat unless the meat is first wrapped with a good grade of paper or cloth of a kind which will prevent contamination with lint or other foreign material.

§ 327.10 Samples; inspection of consignments; refusal of entry; marking.

(a) Program inspectors may take, without cost to the United States, for laboratory examination, samples of any product which is subject to analysis, from each consignment offered for importation, except that such samples shall not be taken of any product offered for importation under § 327.16.

(b) The outside containers of all products offered for importation from any foreign country and accompanied with a foreign inspection certificate as required by this part, which, upon inspection by Program inspectors, are found not to be adulterated or misbranded and to be otherwise eligible for entry into the United States under this part, or the products themselves if not in containers, shall be marked with the official inspection legend prescribed in § 312.7 of this subchapter. Such inspection legend shall be placed upon the containers only after completion of official import inspection and product acceptance. All products so marked, in compliance with this part, shall be admitted into the United States, insofar as such admittance is regulated under the Act.

(c) If the inspection of the portion of product withdrawn from a consignment indicates that the consignment is adulterated or misbranded or otherwise is not eligible for entry under this part, the consignment shall be identified as "U.S. Refused Entry" and handled as prescribed in § 327.13(a).
* The consignments refused entry shall be marked "U.S. Refused Entry."

§ 327.11 Receipts to importers for import product samples.

In order that importers may be assured that samples of foreign products collected for laboratory examination are to be used exclusively for that purpose, official receipts shall be issued and delivered to importers, or their agents, by inspectors for all samples of foreign products collected. The official receipt shall be prepared in duplicate, over the signature of the inspector who collects the samples, and shall show the name of the importer, country of origin, quantity and kind of product collected, date of collection, and that the sample was collected for laboratory examination. The duplicate copy of the receipt shall be retained by inspectors in charge as their office record.

§ 327.12 Foreign canned or packaged products bearing trade labels; sampling and inspection.

(a) Samples of foreign canned or packaged products bearing on their immediate containers trade labels which have not been approved under § 317.3 of this subchapter shall be collected and forwarded to the laboratory by the

(§ 327.12(a) continued)

Program inspector for examination, and the products shall be held pending receipt of the report of the laboratory findings and the results of the examination of trade labels and the marks on shipping containers.

(b) Foreign canned or packaged products bearing trade labels and other markings which have been approved under § 317.3 of this subchapter shall be inspected for soundness and checked for net weight. Samples may be collected for laboratory examination, but the products may be released under Customs' bond pending the report of laboratory findings.

(c) A sample shall be taken from each consignment of foreign canned products or packaged products. The method of sample selection and the sample size shall be prescribed in instructions to Program employees.¹

§ 327.13 Foreign products offered for importation; reporting of findings to Customs; handling of articles refused entry.

(a)(1) Program inspectors shall report their findings as to any product which has been inspected in accordance with this Part, to the Director of Customs at the original port of entry where the same is offered for clearance through Customs inspection.

(2) When product has been identified as "U.S. refused entry," the inspector shall request the Director of Customs to refuse admission to such product and to direct that the same be exported by the owner or consignee within the time specified in this section, unless the owner or consignee, within such specified time, shall cause the destruction thereof under the supervision of a Program employee so that the product can no longer be used as human food or shall cause the conversion to animal food uses, if permitted by the Food and Drug Administration. The owner or consignee of the refused entry product shall not transfer legal title to such product. If such title is illegally transferred, a subsequent purchaser will still be required to export the product or have it destroyed as specified in the notice provided the owner or consignee under paragraph (a)(5) of this section. However, the title to product intended for export may be transferred to a foreign consignee for direct and immediate exportation. Title to product intended for destruction for human food purposes may only be transferred to an end user, e.g., an animal food manufacturer or a renderer, for such purposes.

(3) No lot of product which has been refused entry may be subdivided during disposition pursuant to subparagraph (2) of this paragraph. Additionally, such refused entry lot may not be shipped for export purposes to a port of entry, other than that through which the product came into the United States, without the expressed consent of an authorized representative of the Administrator based on full information concerning the product's disposition, including the name of the vessel and the date of export. For the purposes of this paragraph, the term "lot" shall refer to that portion of product identified on MP 410 in the original request for inspection of products for importation pursuant to § 327.5.

¹ The instructions may be obtained, upon request from Technical Services, Meat and Poultry Inspection, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

* (4) Product which has been refused entry solely because of misbranding,
* in lieu of exportation or destruction pursuant to subparagraph (2) of this
* paragraph, may be brought into compliance with the requirements of this Part,
* under supervision of an authorized representative of the Administrator.
*

* (5) The owner or consignee shall have 45 days after notice is given by
* FSIS to the Director of Customs at the original port of entry to take the
* action required in subparagraph (2) of this paragraph for refused entry
* product. Extension beyond the 45-day period may be granted within the
* discretion of the Administrator upon a showing of an extreme situation, such
* as a dock workers' strike or vessel delays.
*

* (6) If the owner or consignee fails to take the required action within
* the time specified under subparagraph (5) of this paragraph, the Department
* will take such action as may be necessary to effectuate its order to have the
* product destroyed for human food purposes. The Department shall seek court
* costs and fees, storage and proper expense in the appropriate legal forum.
*

* (b) Upon the request of the Director of Customs at the port where a
product is offered for clearance through the Customs, the consignee of the
product shall, at his own expense, immediately return to the Director any
product which has been delivered to consignee under § 327.7 and subsequently
designated "U.S. refused entry" or found in any respect not to comply with
the requirements in this part. All such product shall be returned in cars,
trucks, or other means of conveyance, or in corded containers sealed with the
official import meat seal of the Department.
*

(c) All charges for storage, cartage, and labor with respect to any
product which was imported contrary to the Act shall be paid by the owner or
consignee, and in default of such payment shall constitute a lien against such
product and any other product thereafter imported by or for such owner or
consignee.

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(§ 381.200(f) continued)

* by telegraph to the Administrator, Food Safety and Inspection Service, *
Department of Agriculture, Washington, D.C. 20250.

(g) The consignee, or his agent, shall furnish such facilities and shall provide such assistance for handling and marking poultry products offered for entry as the inspector may require.

§ 381.201 Means of conveyance and equipment used in handling imported poultry products to be maintained in sanitary condition.

Compartments of steamships, railroad cars, and other means of conveyance transporting any poultry product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any poultry product offered for entry into the United States, shall be maintained in a sanitary condition.

§ 381.202 Poultry products offered for entry; reporting of findings to Customs; handling of articles refused entry.

* (a)(1) Program inspectors shall report their findings as to any product *
* which has been inspected in accordance with this Part, to the Director of *
* Customs at the original port of entry. *
*

* (2) When product has been identified as "U.S. refused entry," the *
* inspector shall request the Director of Customs to refuse admission to such *
* product and to direct that the same be exported by the owner or consignee *
* within the time specified in this section, unless the owner or consignee, *
* within such specified time, shall cause the destruction thereof under the *
* supervision of a Program employee so that the product can no longer be used as *
* human food or shall cause the conversion to pet food uses, if permitted by the *
* Food and Drug Administration. The owner or consignee of the refused entry *
* product shall not transfer legal title to such product. If such title is *
* illegally transferred, a subsequent purchaser will still be required to export *
* the product or have it destroyed as specified in the notice provided the owner *
* or consignee under paragraph (a)(4) of this section. However, the title to *
* product intended for export may be transferred to a foreign consignee for *
* direct and immediate exportation. Title to product intended for destruction *
* for human food purposes may only be transferred to an end user, e.g., a pet *
* food manufacturer or a renderer, for such purposes. *
*

* (3) No lot of product which has been refused entry may be subdivided *
* during disposition pursuant to subparagraph (2) of this paragraph. *
* Additionally, such refused entry lot may not be shipped for export purposes to *
* a port of entry other than that through which the product came into the United *
* States without the expressed consent of an authorized representative of the *
* Administrator, based on full information concerning the product's disposition, *
* including the name of the vessel and the date of export. For the purposes of *
* this paragraph, the term "lot" shall refer to that portion of product *
* identified on MP 410 in the original request for inspection of products for *
* importation pursuant to § 381.198. *
*

(§ 381.202(a) continued)

(4) The owner or consignee shall have 45 days after notice is given by FSIS to the Director of Customs at the original port of entry to take the action required in subparagraph (2) of this paragraph for refused entry product. Extension beyond the 45-day period may be granted within the discretion of the Administrator upon a showing of an extreme situation, such as a dock workers' strike or a vessel delay.

(5) If the owner or consignee fails to take the required action within the time specified under subparagraph (4) of this paragraph, the Department will take such actions as may be necessary to effectuate its order to have the product destroyed for human food purposes. The Department shall seek court costs and fees, storage and proper expenses in the appropriate forum.

(b) Consignees shall, at their own expense, return immediately, to the collector of customs, in means of conveyance or containers sealed with the official seal of the Department of Agriculture, any product received by them under this subpart which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this subpart.

(c) Except as provided in § 381.200 (a) or (b), no person shall remove or cause to be removed from any place designated as the place of inspection, any poultry product which the regulations in this subpart require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this subpart.

§ 381.203 Imported products; charges for storage, cartage and labor with respect to products which are refused entry.

All charges for storage, cartage, and labor with respect to any imported product which is refused entry pursuant to the regulations shall be paid by the owner or consignee, and, in default of such payment, shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

§ 381.204 Marking of poultry products offered for entry.

Poultry products which upon inspection are found to be acceptable for entry into the United States shall be marked with the official inspection legend shown in § 381.102. Such inspection legend shall be placed upon such products only after completion of official import inspection and product acceptance. Poultry products which are inspected and rejected shall be marked "U.S. Refused Entry" as shown in § 381.102. Such marks shall be applied to the shipping containers.

§ 381.205 Labeling of immediate containers of imported poultry products.

(a) Immediate containers of poultry products imported into the United States shall bear a label, printed in English showing in accordance with Subpart N of this part all information required by that section (except that the inspection mark and establishment number assigned by the foreign poultry inspection system and certified to the Inspection Service shall be shown

(§ 381.205(a) continued)

instead of the official dressed poultry identification mark or other official inspection legend, and official establishment number); and in addition the label shall show the name of the country of origin preceded by the words "Product of," which statement shall appear immediately under the name of the product.

(b) The labels shall not be false or misleading in any respect.

* (c) Labels for immediate containers of imported poultry products shall be submitted for approval in sketch form to the Labels and Packaging Staff, Meat and Poultry Inspection, Food Safety and Inspection Service, USDA, Washington, D.C. 20250. Sketch labels shall be submitted with sufficient copies to provide two copies for the Washington office. After approval of the sketch labels, finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry and one copy for the foreign plant requesting the approval. *

§ 381.206 Labeling of shipping containers of imported poultry products.

Shipping containers in which imported poultry products are shipped to the United States are required to bear in a prominent and legible manner the name of the product, the name of the country of origin, the foreign inspection system establishment number of the establishment in which the product was processed, and the inspection mark of the country of origin. Labeling on shipping containers shall be examined at the time of inspection in the United States and if found to be false or misleading, the product shall be refused entry.

§ 381.207 Small importations for consignee's personal use, display, or laboratory analysis.

Any poultry product (other than one which is forbidden entry by other Federal law or regulation) which is imported from any country in quantities of less than 50 pounds net weight, exclusively for the personal use of the consignee, or for display or laboratory analysis by the consignee, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and contains no substance not permitted by the Act or regulations may be allowed entry into the United States without a foreign inspection certificate, and such product is not required to be

THE REVERSE OF THIS PAGE IS INTENDED TO BE BLANK.

(§ 381.200(f) continued)

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